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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,363	09/26/2003	Sung-hee Hwang	1293.1967	5284
49455 7590 01/23/2007 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			EXAMINER CHUNG, PHUNG M.	
			ART UNIT 2138	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/670,363

Applicant(s)

HWANG ET AL.

Examiner

Phung My Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4-7, 13-14, 33, 36-44, 52--65 and 73-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed..
- 6) ☒ Claim(s) 1,2,4-7,13,14,33,36-44,52-54,56-60,62-65 and 73-78 is/are rejected.
- 7) ☒ Claim(s) 55 and 61 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 4-7, 13-14, 33, 36-44, 52-54, 56-60, 62-65 and 74-78 are rejected under 35 U.S.C. 102(e) as being anticipated by Ijtsma et al (6,594,209).

Claims 1-2, 4, 6-7, 13-14, 64-65 and 78, these claims merely read on using a temporary defective list as opposed to a main or secondary defective list during data recording on the disk.

The functionality of managing the defect on the disk is merely the same regardless of the terminology used such as "secondary", "main" or "temporary" defective list. Therefore, mapping defect on the disk in order to be skipped and recording the data on a non-defective sector is accomplished by either one of the defective lists. The claims merely read on using a "temporary

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defective list” in managing defects on the disk. The reference shows the use of a temporary defective list in order to skip defective sectors and record the data into an alternative non-defective sectors, the secondary or the primary defective list inherently have a pointer of the last recorded address of a defective and replaced area of the disk. The secondary defective list is compiled during the data recording on the disk and recorded the disk during and after the finalization of data recording. (See Figs. 8(a)-8(c)).

As per claim 5, Ijtsma et al further disclose: a lead-in and/or a lead-out area other than the user data area and the spare area (Fig. 1).

As per claim 33, Ijtsma et al further disclose the use of a write once medium is merely an alternative equivalence to any to the medium types and the defective table would inherently prevent data from being written onto a defective sectors.

As per claims 36-40, these claims are rejected under similar rationale as set forth in claims 1-2, 4, 6-7 and 13-14.

As per claims 41-43, Ijtsma et al further disclose the defective list includes pointers (addresses) to point to the defective sectors and the alternative sectors (Figs. 8(a)-8(c)).

As per claim 44, this claim is rejected under similar rationale as set forth in claim 33.

As per claims 52, 54 and 56, these claims are rejected under similar rationale as set forth in claims 1-2, 4, 6-7 and 13-14.

As per claim 53, this claim is rejected under similar rationale as set forth in claim 41.

As per claim 57, this claim is rejected under similar rationale as set forth in claim 33.

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As per claims 58-60, 62, these claims are rejected under similar rationale as set forth in claims 1-2, 4, 6-7 and 13-14.

As per claim 63, this claim is rejected under similar rationale as set forth in claim 33.

As per claims 74-75 and 77, these claims are rejected similar rationale as set forth in claims 1-2, 4, 6-7 and 13-14.

As per claim 76, this claim is rejected under similar rationale as set forth in claim 33.

3. Claims 55 and 61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Applicant's arguments with respect to claims 1-2, 4-7, 13-14, 33, 36-44, 52-65 and 74-78 have been considered but are moot in view of the new ground(s) of rejection.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung My Chung whose telephone number is 571-272-3818. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571- 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phung My Chung  
Primary Patent Examiner